

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RONN HOMER  
309 Steele Road  
Feasterville, PA 19053,

Plaintiff

vs.

THE LAW OFFICES OF FREDERIC I.  
WEINBERG & ASSOCIATES, P.C.  
375 E. Elm Street, Suite 210  
Conshohocken, PA 19428,

Defendant

CIVIL ACTION

NO. 17-cv-00880(TJS)

**AMENDED COMPLAINT**

**I. INTRODUCTION**

1. This is an action for damages brought by a consumer pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 ("FDCPA").

2. The FDCPA requires a mandatory initial validation notice as an informal dispute mechanism. 15 U.S.C. § 1692g. The validation notice provides the consumer a 30 day period in which to act. It must not shorten the time period the consumer has to dispute the debt nor give misleading information as to how to make the dispute.

3. Defendant is subject to strict liability for sending an initial collection letter to Plaintiff which impermissibly shortened the time the consumer had to make a dispute.

4. Mr. Homer hereby seeks relief under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 ("FDCPA").

## **II. JURISDICTION**

5. Subject matter jurisdiction of this court arises under 15 U.S.C. § 1692k and 28 U.S.C. § 1331, 1337.

## **III. PARTIES**

6. Plaintiff Ronn Homer (“Plaintiff”) is a consumer who resides in Feasterville, Pennsylvania at the address captioned.

7. Defendant The Law Offices of Frederic I. Weinberg & Associates, P.C. (“Weinberg Law”) is a Pennsylvania law firm, which has an office for the regular transaction of business at the address captioned.

8. Weinberg Law regularly engages in the collection of consumer debts by the use of the mails and telephone.

9. Weinberg Law regularly attempts to collect debts alleged to be due another.

10. Weinberg is a “debt collector” as that term is contemplated in the FDCPA, 15 U.S.C. § 1692a(6).

## **IV. STATEMENT OF CLAIM**

11. Defendant Weinberg Law sent Mr. Homer a collection letter dated October 13, 2016, attempting to collect an alleged consumer debt due to Barclays Bank of Delaware. *See* Exhibit “A.”

12. The letter states in relevant part:

Unless we hear from you within thirty (30) days after receipt of this letter that you dispute the validity of the debt, or any portion thereof, this office will assume the debt is valid.

13. This misstates the consumer’s right.

14. The FDCPA, at 15 U.S.C. § 1692g(a) requires a debt collector to include in its initial communication to the debtor, among other things, a statement that the debtor may dispute and seek validation of the alleged debt from the debt collector. 15 U.S.C. § 1692g(a). § 1692g of the Act goes on to state that:

If the consumer notifies the debt collector in writing within the 30 day period as described in subsection (a) of this section that the debt, or any portion thereof, is disputed, or that the consumer requests the name and address of the original creditor, the debt collector shall cease collection of the debt, or any disputed portion thereof, until the debt collector obtains verification of the debt or a copy of the judgment, or the name and address of the original creditor, and a copy of such verification or judgment, or name and address of the original creditor, is mailed to the consumer by the debt collector.

15 U.S.C. § 1692g(b).

15. Weinberg Law's statement limits improperly the time that a consumer may request verification of the debt by stating that Defendant must "hear from you" within thirty days of the consumer's receipt of the letter.

16. The debt collector does not have to receive a verification request within 30 days for the consumer's request to be valid and timely. Rather, the consumer must send the written verification request within 30 days of receiving the letter with the notice of the consumer right to verification.

17. Weinberg Law's characterization, "Unless we hear from you" further compounds the damage of the impermissibly shortened time frame in which to respond because a consumer who believes there is insufficient time for a letter to be received within 30 days may attempt to request verification over the phone, which does not trigger the verification right.

**COUNT I**

**FAIR DEBT COLLECTION PRACTICES ACT**

18. Plaintiff repeats the allegations contained above as if the same were here set forth at length.

19. Defendant's actions violated 15 U.S.C. § 1692g of the Fair Debt Collection Practices Act by shortening the time the consumer has to dispute the debt.

**WHEREFORE**, Plaintiff Ronn Homer demands judgment against Defendant The Law Offices of Frederic I. Weinberg & Associates, P.C. for:

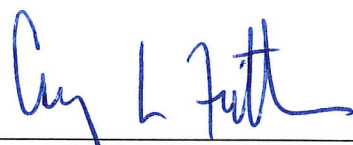
- (a) Damages;
- (b) Attorney's fees and costs; and
- (c) Such other and further relief as the Court shall deem just and proper.

**V. DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury as to all issues so triable.

Respectfully submitted:

Date: March 13, 2017

  
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CARY L. FLITTER  
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Attorneys for Plaintiff

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# **EXHIBIT "A"**

FREDERIC I. WEINBERG\*\*  
JOEL M. FLINK\*  
ASHLEY A. PALAIA\*  
JOHN P. UETZ\*  
ROSS WHYTEHURST

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BENJAMIN D. VINCI+  
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\*Also Member of NJ Bar  
+Member of Colorado, Nebraska  
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++Member of Colorado and  
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SUITE 303  
DENVER, CO 80224

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(Reply to PA Office)

October 13, 2016

RONN G HOMER  
309 STEELE RD  
FEASTERVILLE TREVOS PA 19053-4547

RE: Client : BARCLAYS BANK, DELAWARE  
Current Balance Due: \$[REDACTED]  
Original Account No.: XXXXXXXXXXXXX0199  
Our File No: [REDACTED]8113

RONN G HOMER

Your account in the above matter has been referred to this office for collection. As of the date of this letter, the above amount is due.

Unless this office hears from you within thirty (30) days after receipt of this letter that you dispute the validity of the debt, or any portion thereof, this office will assume the debt is valid. If you notify this office in writing within thirty (30) days of your receipt of this letter that the debt or any portion thereof is disputed, this office will obtain verification of the debt or, if the debt is founded upon a judgment, a copy of the judgment will be obtained, and this office will mail to you a copy of such verification or judgment. Upon written request within thirty (30) days of your receipt of this letter, this office will provide you with the name and address of the original creditor, if different from the current creditor.

The Law Offices of Frederic I. Weinberg & Associates, P.C. is a debt collector. This letter is an attempt to collect a debt and any information obtained will be used for that purpose.

Very truly yours,

The Law Offices of Frederic I. Weinberg &  
Associates, P.C.

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